

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

SHANE STANEK,

Plaintiff,

v.

BYL COLLECTION SERVICES, LLC,

Defendant.

Case No. 13-13579

Hon. Gerald E. Rosen

Magistrate Judge Michael Hluchaniuk

**ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on January 13, 2014

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

In a Report and Recommendation (“R & R”) issued on December 3, 2013, Magistrate Judge Michael Hluchaniuk recommends that the Court grant a motion to dismiss brought by Defendant BYL Collection Services, LLC, and that the complaint filed by *pro se* Plaintiff Shane Stanek be dismissed with prejudice. Plaintiff has not filed any objections to the R & R, and the time for doing so has passed.

Having reviewed the Magistrate Judge’s R & R, Defendant’s underlying motion to dismiss, and the remainder of the record, the Court fully concurs in the analysis of the Magistrate Judge and adopts the R & R in its entirety. As the Magistrate Judge observes in the R & R, it is “readily apparent that plaintiff does not intend to pursue prosecution of

this action, given the repeated failure to respond to defendant's motion as ordered." (R & R at 5.) Moreover, Defendant indicates in its underlying motion that, so far as its records disclose, it has had no interactions with anyone with Plaintiff's name, nor with any individual residing at the address listed in Plaintiff's complaint. (*See* Defendant's Motion, Br. in Support at 2.)¹ Under this record (or lack thereof), Defendant cannot fairly be expected to defend against the claims asserted in Plaintiff's complaint, particularly where Plaintiff has uniformly failed to respond both to the Court's orders and to Defendant's requests for additional information that might shed some light on the facts purportedly underlying Plaintiff's claims. Against this backdrop, the Court agrees with the Magistrate Judge that dismissal of this action is warranted under Fed. R. Civ. P. 41(b) for failure to prosecute.²

Accordingly,

NOW, THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's December 3, 2013 Report and Recommendation is ADOPTED as the opinion of this Court. IT IS FURTHER ORDERED, for the reasons stated in the R & R, that

¹Indeed, even Plaintiff's gender remains unknown under the bare-bones complaint he/she has filed in this case.

²Notably, Plaintiff has filed two other, essentially identical suits that were removed to this Court, and each of these suits has likewise been dismissed for lack of prosecution. *See Stanek v. Credit Management, LP*, No. 13-13624, 9/27/2013 Order of Dismissal; *Stanek v. Credit Systems International*, No. 13-13626, 10/16/2013 Order of Dismissal.

Defendant's September 16, 2013 motion to dismiss (docket #5) is GRANTED as unopposed, and that this case is dismissed for Plaintiff's failure to prosecute.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: January 13, 2014

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on January 13, 2014, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5135